

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNY LYNN OLD CHIEF,

Defendant.

CR-08-27-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on January 15, 2019, and on February 5, 2019. (Docs. 151, 155.) The United States accused Defendant Johnny Lynn Old Chief of violating his conditions of supervised release by: 1) using methamphetamine and 2) committing another crime. (Doc. 148.) Old Chief admitted to violating his supervised release by using methamphetamine. (Doc. 156 at 2-3.) The United States made no attempt to prove that Old Chief had committed another crime. (Doc. 156 at 3.)

Judge Johnston entered Findings and Recommendations on February 6, 2019. (Doc. 156.) Judge Johnston recommended that the Court revoke Old Chief's supervised release. (Doc. 156 at 3.) Judge Johnston recommended that the Court

commit Old Chief to the custody of the Bureau of Prisons for period of five months, with no term of supervised release to follow. (Doc. 156 at 3.)

Old Chief waived his right to object to Judge Johnston's Findings and Recommendations. (Doc. 156 at 3-4.) The Government did not file an objection. The Court will review Judge Johnston's Findings and Recommendations for clear error. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations. Old Chief's violations represent a serious breach of the Court's trust. A custodial sentence of five months with no period of supervised release to follow is a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 156) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Johnny Lynn Old Chief is sentenced to five months in custody with no period of supervised release to follow.

DATED this 8th day of February, 2019.



Brian Morris
United States District Court Judge